

IC 9-24-6

Chapter 6. Commercial Driver's License

IC 9-24-6-1

Exempted vehicles; removal of exemptions

Sec. 1. (a) Except as provided in subsection (c), this chapter does not apply to a motor vehicle that meets the following conditions:

- (1) Is used in the transportation of hazardous materials.
- (2) Is not defined as a commercial motor vehicle.

(b) Except as provided in subsection (c), this chapter does not apply to a motor vehicle that meets any of the following conditions:

- (1) Is registered as a recreational vehicle.
- (2) Is used primarily to transport the owner's family members or guests and their possessions for nonbusiness purposes.
- (3) Is registered under IC 9-18 as a farm vehicle or is a farm vehicle that is exempt under 49 U.S.C. 521, 49 U.S.C. 31104, and 49 U.S.C. 31301 through 31306.

(4) Is utilized as a:

(A) church bus; or

(B) bus operated by a nonprofit benevolent or charitable agency;

that is designed to carry more than fifteen (15) passengers, including the driver, if the vehicle is exempt under 49 U.S.C. 521, 49 U.S.C. 31104, and 49 U.S.C. 31301 through 31306, or applicable federal regulations.

(c) The bureau may remove the exemptions granted under subsections (a) and (b) if the bureau, upon notice and public hearing, determines that the waiver is in the interest of safety or of keeping Indiana in compliance with federal law, subject to section 3 of this chapter.

As added by P.L.2-1991, SEC.12. Amended by P.L.219-2003, SEC.3.

IC 9-24-6-2

Rules

Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 to regulate persons required to hold a commercial driver's license.

(b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49 CFR 383 through 384, and may not be more restrictive than the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(c) Rules adopted under this section must include the following:

- (1) Establishment of classes and periods of validation of commercial driver's licenses.
- (2) Standards for commercial driver's licenses, including suspension and revocation procedures.
- (3) Requirements for documentation of eligibility for legal employment, as set forth in 8 CFR 274a.2, and proof of residence in Indiana.
- (4) Development of written or oral tests, driving tests, and

fitness requirements.

(5) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including the Social Security number and a unique identifier of the holder.

(6) Establishing fees for the issuance of commercial driver's licenses, including fees for testing and examination.

(7) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.

(8) Conditions for reciprocity with other states, including requirements for a written commercial driver's license test and operational skills test, and a hazardous materials endorsement written test and operational skills test, before a license may be issued.

(9) Other rules necessary to administer this chapter.

(d) 49 CFR 383 through 384 are adopted as Indiana law.

As added by P.L.2-1991, SEC.12. Amended by P.L.66-1992, SEC.13; P.L.123-2002, SEC.15; P.L.219-2003, SEC.4.

IC 9-24-6-3

Transportation of individuals; age and experience requirements

Sec. 3. The holder of a commercial driver's license for the transportation of individuals must meet the following conditions:

(1) Be at least twenty-one (21) years of age.

(2) Have had at least one (1) year of driving experience as a licensed driver.

As added by P.L.2-1991, SEC.12.

IC 9-24-6-4

Transportation of property; age and experience requirements

Sec. 4. The holder of a commercial driver's license for the transportation of property must meet the following conditions:

(1) Be at least eighteen (18) years of age.

(2) Have had at least one (1) year of driving experience as a licensed driver.

As added by P.L.2-1991, SEC.12.

IC 9-24-6-5

Testing; retention of fees

Sec. 5. The bureau may contract with public and private institutions, agencies, businesses, and organizations to conduct any or all testing required in the implementation of the commercial driver's license program. The contractor who conducts examinations and skills tests may retain the fees for those services.

As added by P.L.2-1991, SEC.12.

IC 9-24-6-6

Serious traffic violations

Sec. 6. (a) The following, if committed while driving a commercial motor vehicle, are serious traffic violations:

- (1) Operating a vehicle at least fifteen (15) miles per hour above the posted speed limit in violation of IC 9-21-5, IC 9-21-6, or IC 20-9.1-5-10.
- (2) Operating a vehicle recklessly as provided in IC 9-21-8-50 and IC 9-21-8-52.
- (3) Improper or erratic traffic lane changes in violation of IC 9-21-8-2 through IC 9-21-8-13 and IC 9-21-8-17 through IC 9-21-8-18.
- (4) Following a vehicle too closely in violation of IC 9-21-8-14 through IC 9-21-8-16.
- (5) In connection with a fatal accident, violating any statute, ordinance, or rule concerning motor vehicle traffic control other than parking statutes, ordinances, or rules.
- (6) Operating a vehicle while disqualified under this chapter.
- (7) For drivers who are not required to always stop at a railroad crossing, failing to do any of the following:
 - (A) Slow down and determine that the railroad tracks are clear of an approaching train, in violation of IC 9-21-5-4, IC 9-21-8-39, IC 35-42-2-4, or any similar statute.
 - (B) Stop before reaching the railroad crossing, if the railroad tracks are not clear of an approaching train, in violation of IC 9-21-4-16, IC 9-21-8-39, or any similar statute.
- (8) For all drivers, whether or not they are required to always stop at a railroad crossing, to do any of the following:
 - (A) Stopping in a railroad crossing, in violation of IC 9-21-8-50 or any similar statute.
 - (B) Failing to obey a traffic control device or failing to obey the directions of a law enforcement officer at a railroad crossing, in violation of IC 9-21-8-1 or any similar statute.
 - (C) Stopping in a railroad crossing because of insufficient undercarriage clearance, in violation of IC 35-42-2-4, IC 9-21-8-50, or any similar statute.

(b) Subsection (a)(1) and (a)(8) is intended to comply with the provisions of 49 U.S.C. 31311(a)(10) and regulations adopted under that statute.

As added by P.L.2-1991, SEC.12. Amended by P.L.96-1991, SEC.4; P.L.1-1992, SEC.53; P.L.66-1992, SEC.14; P.L.129-2001, SEC.32.

IC 9-24-6-7

Conviction of serious traffic violations involving operation of commercial motor vehicle

Sec. 7. (a) A driver who is convicted of a serious traffic violation involving the operation of a commercial motor vehicle, other than a violation described in section 6(a)(7) or 6(a)(8) of this chapter, is disqualified from driving a commercial motor vehicle as follows:

- (1) Upon conviction in two (2) separate driving incidents in any three (3) year period, disqualification for sixty (60) days.
- (2) Upon conviction of a third or subsequent driving incident in any three (3) year period, disqualification for one hundred twenty (120) days.

(b) This subsection is intended to comply with the provisions of 49 U.S.C. 31311(a)(10) and regulations adopted under that statute. If a driver is convicted of a serious traffic violation involving the operation of a commercial motor vehicle and the conviction is based on any of the violations described in section 6(a)(7) or 6(a)(8) of this chapter, the driver is disqualified from driving a commercial motor vehicle as follows:

- (1) Upon conviction of a first violation described in section 6(a)(7) or 6(a)(8) of this chapter during any three (3) year period, disqualification for at least sixty (60) days.
- (2) Upon conviction of a second violation described in section 6(a)(7) or 6(a)(8) of this chapter in separate incidents during any three (3) year period, disqualification for at least one hundred (120) days.
- (3) Upon conviction of a third or subsequent violation described in section 6(a)(7) or 6(a)(8) of this chapter in separate incidents during any three (3) year period, disqualification for at least one (1) year.

As added by P.L. 96-1991, SEC.5. Amended by P.L. 66-1992, SEC.15; P.L. 129-2001, SEC.33.

IC 9-24-6-8

Offenses committed while driving commercial motor vehicles; disqualification

Sec. 8. The following, if committed while driving a commercial motor vehicle, are disqualifying offenses:

- (1) Operating a vehicle while under the influence of alcohol in violation of IC 9-30-5-1(a), IC 9-30-5-1(b), or section 15 of this chapter.
- (2) Operating a vehicle while under the influence of a controlled substance in violation of IC 9-30-5-1(c).
- (3) Leaving the scene of an accident involving the driver's commercial motor vehicle in violation of IC 9-26-1.
- (4) Conviction of a felony involving the use of a commercial motor vehicle other than a felony described in subdivision (5).
- (5) Use of a commercial motor vehicle in the commission of a felony under IC 35-48 involving manufacturing, distributing, or dispensing of a controlled substance.
- (6) Violation of IC 9-30-5-2 through IC 9-30-5-8 involving operating a vehicle while intoxicated.
- (7) Refusing to undergo testing for the enforcement of IC 9-30-5-1 or section 15 of this chapter.

As added by P.L. 96-1991, SEC.6. Amended by P.L. 66-1992, SEC.16; P.L. 266-1999, SEC.1.

IC 9-24-6-9

One year disqualifications

Sec. 9. A driver who:

- (1) either:
 - (A) is convicted for the first time of a disqualifying offense

described in section 8(1) through 8(4) or 8(6) of this chapter;
or

(B) is found to have violated section 8(7) of this chapter; and
(2) is not transporting hazardous materials required to be
placarded under the federal Hazardous Materials Transportation
Act (49 U.S.C. App. 1801-1813);

is disqualified for one (1) year from driving a commercial motor
vehicle.

As added by P.L. 96-1991, SEC. 7. Amended by P.L. 66-1992, SEC. 17.

IC 9-24-6-10

Three year disqualifications

Sec. 10. A driver who:

(1) either:

(A) is convicted for the first time of a disqualifying offense
described in section 8(1) through 8(4) or 8(6) of this chapter;
or

(B) is found to have violated section 8(7) of this chapter; and
(2) is transporting hazardous materials required to be placarded
under the federal Hazardous Materials Transportation Act (49
U.S.C. App. 1801-1813);

is disqualified for three (3) years from driving a commercial motor
vehicle.

As added by P.L. 96-1991, SEC. 8. Amended by P.L. 66-1992, SEC. 18.

IC 9-24-6-10.5

Disqualification for violation of out-of-service order

Sec. 10.5. (a) Except as provided in subsection (b), and in addition
to any other penalty imposed for a violation of this chapter, the court
that imposes a judgment for violation of an out-of-service order shall
order the person receiving the judgment to be disqualified from
driving a commercial vehicle as follows:

(1) For at least ninety (90) days but not more than one (1) year,
if the judgment is the person's first judgment for violation of an
out-of-service order.

(2) For at least one (1) year but not more than five (5) years, if
the judgment is the person's second judgment for violation of an
out-of-service order during any ten (10) year period.

(3) For at least three (3) years but not more than five (5) years,
if the person has at least two (2) previous judgments for
violation of an out-of-service order during any ten (10) year
period.

(b) In addition to any other penalty imposed for a violation of this
chapter, the court that imposes a judgment upon a person because the
person violated an out-of-service order while the person was
transporting a hazardous material or while operating a commercial
motor vehicle designed or used to transport more than fifteen (15)
passengers, including the driver, shall order the person to be
disqualified from driving a commercial vehicle as follows:

(1) For at least one hundred eighty (180) days but not more than

two (2) years, if the judgment is the person's first judgment for violation of an out-of-service order.

(2) For at least three (3) years but not more than five (5) years, if the person has at least one (1) previous judgment for violation of an out-of-service order that arose out of a separate incident during any ten (10) consecutive years.

As added by P.L.88-1996, SEC.4.

IC 9-24-6-11

Use of commercial vehicle in commission of controlled substance felony; disqualification for life

Sec. 11. A driver who is convicted of an offense described in section 8(5) of this chapter is disqualified for life from driving a commercial motor vehicle.

As added by P.L.96-1991, SEC.9.

IC 9-24-6-11.5

Department of Homeland Security; disqualifying offenses and revocation of hazardous material endorsement

Sec. 11.5. (a) This section applies if the United States Department of Homeland Security, Transportation Security Administration adopts regulations concerning disqualifying offenses.

(b) The bureau shall revoke the hazardous materials endorsement of a driver who:

(1) receives a judgment or conviction for a disqualifying offense (as defined in the regulations described in subsection (a)) immediately upon receiving notice of the judgment or conviction; or

(2) is determined by the United States Department of Homeland Security, Transportation Security Administration to be a potential security threat;

and shall give notice to the driver that the endorsement has been revoked and of the procedure by which the driver may appeal the revocation.

(c) The revocation of the hazardous material endorsement of a driver revocation under subsection (b) is for the period set forth under the regulations described in subsection (a).

As added by P.L.48-2004, SEC.4.

IC 9-24-6-12

Lifetime disqualifications; disqualifications required by Department of Homeland Security

Sec. 12. (a) A driver who:

(1) is:

(A) convicted of an offense described in section 8(1) through 8(4) or 8(6) of this chapter; or

(B) found to have violated section 8(7) of this chapter; and

(2) has been previously convicted in a separate incident of any offense described in section 8(1) through 8(4) or 8(6) of this chapter;

is disqualified for life from driving a commercial motor vehicle.

(b) A driver who applies for a hazardous materials endorsement and has been convicted of:

(1) a felony under Indiana law that results in serious bodily injury or death to another person; or

(2) a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a felony described in subdivision (1);
is disqualified for life from holding a hazardous materials endorsement.

(c) The hazardous materials endorsement of a driver who holds a hazardous materials endorsement and is convicted of a:

(1) felony under Indiana law that results in serious bodily injury or death to another person; or

(2) crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a felony described in subdivision (1);
is revoked upon conviction, and the driver is disqualified for life from holding a hazardous materials endorsement.

(d) The hazardous materials endorsement of a driver may be revoked and the driver may be disqualified from holding a hazardous materials endorsement if the revocation and disqualification are required under regulations adopted by the United States Department of Homeland Security, Transportation Security Administration.

As added by P.L.96-1991, SEC.10. Amended by P.L.66-1992, SEC.19; P.L.123-2002, SEC.16; P.L.48-2004, SEC.5.

IC 9-24-6-13

Multiple offenders; application for reinstatement after disqualification; effect of subsequent offenses

Sec. 13. (a) A person who is disqualified under section 12 of this chapter may apply to the bureau for reinstatement of the person's commercial driver's license. The bureau may reinstate the person's license if:

(1) the person has been disqualified for at least ten (10) years;

(2) the person has voluntarily enrolled in and successfully completed an appropriate rehabilitation program that meets the standards of the bureau; and

(3) the person meets the standards of the bureau for reinstatement of commercial driving privileges.

(b) A person whose commercial driving license is reinstated by the bureau under subsection (a) who is subsequently convicted of an offense described in section 8 of this chapter is:

(1) permanently disqualified; and

(2) ineligible to reapply for a reduction in the lifetime disqualification.

As added by P.L.96-1991, SEC.11.

IC 9-24-6-14

Refusal to undergo testing under IC 9-30-5-1 or IC 9-24-6-5;

disqualification from driving

Sec. 14. A person who refuses to undergo testing for the enforcement of IC 9-30-5-1 or section 15 of this chapter is disqualified from driving a commercial motor vehicle for the time provided in section 9, 10, or 11 of this chapter, whichever is applicable.

As added by P.L.96-1991, SEC.12.

IC 9-24-6-15**Person with elevated blood alcohol level operating commercial motor vehicle**

Sec. 15. A person who operates a commercial motor vehicle with an alcohol concentration equivalent to at least four-hundredths (0.04) gram but less than eight-hundredths (0.08) gram of alcohol per:

- (1) one hundred (100) milliliters of the person's blood; or
- (2) two hundred ten (210) liters of the person's breath;

commits a Class C infraction.

As added by P.L.96-1991, SEC.13. Amended by P.L.33-1997, SEC.5; P.L.1-2000, SEC.5; P.L.175-2001, SEC.4.

IC 9-24-6-16**Driving commercial motor vehicle while disqualified under article; offense**

Sec. 16. A person who:

- (1) is disqualified under this article from driving a commercial motor vehicle; and
- (2) drives a commercial motor vehicle;

commits a Class C misdemeanor.

As added by P.L.96-1991, SEC.14.

IC 9-24-6-17**Allowing disqualified person to operate commercial motor vehicle; offense**

Sec. 17. A person who knowingly allows, requires, permits, or authorizes another person who is disqualified under this article from driving a commercial motor vehicle to drive a commercial motor vehicle commits a Class C misdemeanor.

As added by P.L.96-1991, SEC.15.

IC 9-24-6-18**Chapter violations; offense**

Sec. 18. Except as provided in sections 16 and 17 of this chapter, a person who violates this chapter commits a Class C infraction.

As added by P.L.96-1991, SEC.16. Amended by P.L.66-1992, SEC.20.

IC 9-24-6-19**Penalties**

Sec. 19. (a) It is unlawful for a person to violate or fail to comply with an out-of-service order.

(b) If a person operates a vehicle in violation of an out-of-service order, in addition to any other penalty imposed for violation of an out-of-service order under this chapter, the court shall impose a civil penalty of one thousand dollars (\$1,000).

(c) If an employer violates an out-of-service order, or knowingly requires or permits a driver to violate or fail to comply with an out-of-service order, in addition to any other penalty imposed for violation of an out-of-service order under this chapter, the court shall impose a civil penalty on the employer of two thousand five hundred dollars (\$2,500).

(d) All civil penalties assessed under this section must be collected and transferred by the clerk of the court to the bureau. The bureau shall deposit the money in the motor vehicle highway account established by IC 8-14-1.

(e) A civil penalty assessed under this section is a judgment subject to proceedings supplemental by the bureau.

As added by P.L.88-1996, SEC.5.